

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
INJURY LITIGATION

Hon. Anita B. Brody

THIS DOCUMENT RELATES TO:

No. 12-md-2323-AB

*LEWIS et al., v. KANSAS CITY CHIEFS
FOOTBALL CLUB, INC.,*

No. 14-01995-AB

and

No. 14-03383-AB

*SMITH et al., v. KANSAS CITY CHIEFS
FOOTBALL CLUB, INC.,*

No. 14-03382-AB

and

No. 14-04779-AB

*HORN, et al. v. KANSAS CITY CHIEFS
FOOTBALL CLUB, INC.*

MDL No. 2323

and

*KENNEY, et al. v. KANSAS CITY CHIEFS
FOOTBALL CLUB, INC.*

MOTION TO REMAND

COMES NOW Plaintiffs, Albert Lewis, Art Still, Lizabeth Still, Barry Hackett, Cynthia Hackett, Todd McNair, Lynette McNair, Fred Jones, Tim Barnett, Chelonda Barnett, Walker Lee Ashley, Emile Harry, Lori Harry, Chris Smith, Billie Smith, Alexander Cooper, Leonard Griffin, Dawn Griffin, Christopher Martin, Yolanda Thompson-Martin, Joseph Phillips, Kevin Porter, Annjela Hynes-Porter, Neil Smith, Jayice Pearson, Trent Bryant, Robin Bryant, Charles Mincy, Paul Palmer, Douglas Terry, Joseph Horn, William Kenney, Sandra Louise Kenney, Thomas Baugh, and Jean Baugh (hereinafter "Plaintiffs"), by and through undersigned counsel, and hereby request that this matter be remanded to the Circuit Court of Jackson County, Missouri, pursuant to § 1447(c) and § 1445(c) because this Court lacks subject-matter jurisdiction to hear

the above-captioned cases and because the matters alleged in the above-captioned cases arise under the workmen's compensation laws of Missouri.

So that counsel may aid this Court in understanding the factual and legal differences between this case which arises under Missouri common and statutory laws and the remaining federal cases pending in MDL No. 2323, Plaintiffs respectfully request that oral arguments be heard.

WHEREFORE, for the reasons set forth herein and in the accompanying Memorandum in Support of Plaintiffs' Motion for Remand, Plaintiffs request that this Court enter its Order remanding this case to the Circuit Court of the Jackson, Missouri.

Respectfully submitted on Thursday, July 30, 2015.

THE KLAMANN LAW FIRM, P.A.

/s/ Andrew Schermerhorn

John M. Klamann, MO #29335
Andrew Schermerhorn, MO #62101
Paul D. Anderson, MO #65354
4435 Main Street, Ste. 150
Kansas City, MO 64111
Telephone: (816) 421-2626
Facsimile: (816) 421-8686
jklamann@klamannlaw.com
aschermerhorn@klamannlaw.com
panderson@klamannlaw.com

Kenneth B. McClain, MO #32430
Lauren E. McClain, MO #65016
Timothy J. Kingsbury, MO #64958
HUMPHREY, FARRINGTON & McCLAIN, P.C.
221 West Lexington, Suite 400
Independence, MO 64051
Telephone: (816) 836-5050
Facsimile: (816) 836-8966
kbm@hfmlegal.com
lem@hfmlegal.com
tjk@hfmlegal.com

Wm. Dirk Vandever, MO #24463
THE POPHAM LAW FIRM, P.C.
712 Broadway, Suite 100
Kansas City, MO 64105
Telephone: (816) 221-2288
Facsimile: (816) 221-3999
dvandever@pophamlaw.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on Thursday, July 30, 2015, I caused the foregoing to be filed with the United States District Court for the Eastern District of Pennsylvania via the Court's CM/ECF system, which will provide electronic notice to all counsel of record.

/s/ Andrew Schermerhorn
Andrew Schermerhorn, MO